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|  | INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL | |
| | Chapter 8: Out of Home | Effective Date: October 1, 2007 |
| | Section 6: Conducting Background Checks for Unlicensed Placements | Version: 2 |

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| POLICY | OLD POLICY: N/A |
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For unlicensed relative placements, there is no fingerprint processing fee for the applicant (s). DCS requires child protection services history checks on all persons age 0 to 13 years who live in the household. This is for the purpose of assessing placement capacity and compatibility.

Prior to placing a child in an unlicensed home, the Indiana Department of Child Services (DCS) will complete a background check on all persons¹ age 14 and older, who live, volunteer or work in that household.

For unlicensed placements, a “background check” for persons age 14 - 17 will consist of the following criminal (or juvenile) and civil history checks:

1. State Limited Criminal History Check
2. Indiana State Juvenile History
NOTE: There is no current procedure to complete this check. Once a procedure is available, local offices/LCPAs will be notified.
3. Sex and Violent Offender Registry
4. Child Protection Services History
5. Local law enforcement agencies (LEA)/county sheriff records

For unlicensed placements, a “background check” for all persons 18 and older will consist of the following criminal (or juvenile) and civil history checks:

1. Fingerprint-based National Criminal History which includes Indiana State Juvenile History and a fingerprint-based Indiana State Criminal History check.
2. Sex and Violent Offender Registry
3. Child Protection Services History
4. Local law enforcement agencies (LEA)/county sheriff records

DCS also requires background checks for:

1. every new household member²; and
2. a new employee or volunteer in the household who has or will have direct contact, on a regular and continuing basis, with children who are under the supervision of DCS.

Note: Effective July 1, 2007, employees and volunteers for whom a criminal history check is required have a 90-day provisional status while the criminal history is being conducted and evaluated. During this time, the employee or volunteer may not have direct contact with a child unless in the presence of another employee or volunteer who has completed an

¹ This does not include children who are under DCS supervision.

² DCS defines a new household member as anyone who has been in the home for 21 days or longer. The 21 days do not have to be contiguous.

approved criminal history check. When determining whether to provisionally hire or assign as a volunteer, the applicant or licensee must consider:

1. the training time required by an employee or volunteer;
2. the safety and security of the children under the supervision of the applicant or licensee;
3. the safety and security of the other staff and volunteers working under the supervision of the applicant or licensee;
4. the staffing concerns of the applicant or licensee; and
5. any other factor relating to the safety and security of the applicant's or licensee's operation.

Background checks may be conducted when moving a child to the custody of the non-custodial parent. Non-custodial parents cannot be licensed to provide care for their child. See Related Information.

If all members of the household have completed a DCS background check within the past year, DCS will not conduct a new background check if a subsequent placement is made in the same unlicensed home, unless ordered by the court. Background checks conducted for unlicensed relative placements can be used for foster care licensing and adoption as long as less than one (1) year has lapsed since the check was completed. The evaluation criteria are different for these three actions. Therefore, the Background Check Unit must re-evaluate the qualification status of the applicant.

DCS requires the applicant to notify the family case manager (FCM) within 24 hours of the arrest or conviction of the applicant/licensee or any household member.

All unlicensed relative placements must begin the licensing process, by completing an application for initial licensure. The application must be signed and dated prior to placement of a related child. An application for initial licensure consists of one of the following:

1. Completion of the name-based criminal history check and signature on the [Application for Criminal History Background Check](#) form; or
2. Completion of the [Application for a Foster Home License SF 10100/CW 0317](#).

Applicants who do not meet the criteria to be licensed will be denied licensure and then can be considered for unlicensed placement status. Refer to separate policy, Chapter 13 Denials and Chapter 8, [Evaluations of Background Checks for Unlicensed Placements](#).

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws. Refer to separate policy, Chapter 2, [Confidentiality of Background Check Data](#).

Code References

- [IC 31-34-4-2 Placement of child with relative; criminal history check required; exceptions](#)
- [IC 10-13-3-31 Release of data to subject person; fee; challenge of data authorized](#)
- [IC 10-13-3-27.5 Record check by department of child services under exigent circumstances](#)
- [IC 31-9-2-22.5 Definition of criminal history check](#)
- [IC-34-18-6.1 Predisposition report; contents](#)
- [IC 31-26-5 Family preservation services](#)
- [IC 31-34-20-1.5 Placement in household with certain individuals prohibited; exceptions](#)
- [240 IAC Article 6: Criminal History Record Information](#) (State Police Department)

PROCEDURE

EMERGENCY AND NON EMERGENCY RELATIVE PLACEMENTS (both use steps 1-10 outlined below).

The family case manager will complete the following steps:

1. Verify the identity of all individuals living in the home, regardless of age, by reviewing one available and valid, government-issued identification document; e.g., Social Security cards, birth certificates, photo identification cards, and driver's licenses. Refer to separate policy, [2.10 Verifying Identity](#).
2. Complete a search for all individuals in the home, regardless of age, for previous Child Protection Services (CPS) history for Indiana and for every state the individual has lived for the past five (5) years. Refer to separate policy, [8.7 Evaluation of Background Checks for Unlicensed Placements](#). In Indiana, CPS history is checked by searching the electronic Child Protection Index (CPI) and, to the extent possible, all hard copy records. The CPI database is accessible through ICWIS or online at <http://www.in.gov/dcs/protection/online services.html>. For all other states, use the following link to locate contact information for a CPS administrator who can process your search request: http://www.acf.hhs.gov/acf_contact_us.html#regions.

Note: For Indiana records, licensed child placing agencies (LCPAs) are unable to access this information and will need to send a copy of the [Request for a Child Protection Service \(CPS\) History Check](#) form to the local DCS office to obtain results.

3. Complete an Indiana State Limited Criminal History Check for all persons 14 -17.

NOTE: There is no current procedure to complete this check. Once a procedure is available, local offices/LCPAs will be notified.

4. Conduct a check of the Sex and Violent Offender Registry for Indiana and for every state in which the individual is known to have resided for the past five (5) years. For Indiana, the link is: <http://www.insor.org/insasoweb/>. For all other states, the link is <http://www.fbi.gov/hq/cid/cac/registry.htm>.
5. Conduct an LEA/Sheriff check for every county/state the individual is known to have resided for the past five (5) years.
6. Prepare the family for fingerprinting for the National Criminal History Check by explaining the fingerprinting process.
 - A. The FCM completes the Application for Criminal History Background Check form and gives a copy to the applicant. The original should be placed in the file as this is an application for licensure.
 - B. The applicant should be instructed to register for electronic fingerprinting online at <http://dcshp.sofn.net> (the applicant can call 1-877-323-8885 if he/she does not have Internet access).
 - C. During the registration process, the applicant will be asked for the information contained on the Application for Criminal History Background Check form.

- D. After the applicant provides this information, he/she will be prompted to select a fingerprint location.
- E. Next, the applicant will be prompted to enter demographic data and then will be given a bar code receipt. This completes the registration process.
- F. The applicant should then call the fingerprint location selected to see if an appointment is necessary. The applicant must take the bar code receipt (or the number listed on the bar code receipt) and the I.D. used during registration to the fingerprint location selected. Fingerprinting cannot take place without these two items.

NOTE: As of October 1, 2007, DCS will no longer accept paper fingerprints, unless it is a reprint of a smudged print.

- 8. Summarize the results of the checks, (without referencing specific convictions, etc.), and the decision in ICWIS in the assessment (investigation) log notes.

The Central Office Background Check Unit will provide a letter via email to the DCS local office contact handling all background check material informing them of the qualifying status. The local office contact must inform the FCM of the final determination. The FCM will then inform the prospective placement resource of the final determination of the check. If the applicant is qualified based upon criminal history, the FCM will summarize the results of the checks (without referencing specific convictions) in ICWIS. If the fingerprint applicant provides an email address during registration, they will also receive notice of the results.

- 9. For conditionally disqualified or disqualified, refer to separate policies, [8.7 Evaluation of Background Checks for Unlicensed Placements](#).
- 10. At the appropriate time, the FCM will submit the results of the background checks to the Court.

COMPLETE THESE ADDITIONAL STEPS FOR EMERGENCY PLACEMENTS

- 1. Request a name-based criminal history check by contacting the Indiana State Police (ISP) Headquarters. The FCM must call 317-232-8294 or 800-622-4961 and identify him/herself through an assigned password and challenge question. Convey all required identifying information from the Application for Criminal History Background Check form. ISP will not run the check if any of the required information is missing.

Within 24 hours³ after requesting the check, transmit a copy of the [Application for Criminal History Background Check](#) to ISP, attention: Data Operations by fax: 317-234-4427 or email: DOC@ISP.state.in.us.

- a. The form is not complete until it is signed and dated.
- b. The form must be signed and dated prior to any placements being made in the home.

Note: DCS MUST comply with this step. Failure to do so places the interagency agreement between DCS and ISP in jeopardy.

³ There is no exception for weekends and holidays. Example: FCM calls in name-based check Friday at 5pm. He/she must transmit a copy of the form by 5pm Saturday.

If a name based check is completed but children are not placed, complete the [Name Based Follow-up Form](#) and fax to the ISP Records Division, 317-233-8813 or send via email to <mailto:kohare@isp.in.gov>. Copies of the Name Based Follow-up form can be obtained from the Central Office Background Check Unit at <mailto:background.checkunit@dcsc.in.gov>. If children are placed (even if briefly), follow up fingerprints are required. If the person refuses to be fingerprinted, the child(ren) must be removed. The FCM must then complete the [Name Based Follow Up Form](#), detailing the due diligence to obtain prints and the applicant's refusal.

2. FCM next calls the Pride Rock call center at 1-877-323-8885 to mini-register the placement resource. The FCM should state that they are a DCS family case manager and are calling for the purpose of an emergency placement registration. The mini-registration consists of the name, date of birth (DOB), address and last four digits of the Social Security number (SSN) of the applicant; the FCM's name; the child's name and DOB or SSN, if available. This call must be made immediately after the name based check.
3. **Within 72 hours** of completing the Name-based Criminal History Check, the FCM must ensure that every member of the household aged 18 and older has been fingerprinted. Upon request, DCS staff will be provided access to the administrative website to check the status of fingerprint applicants, including emergency placements. On the administrative site, once the mini-registration is complete, the potential placement resource will be listed on the Pride Rock administrative site as "Emergency Placement Outstanding". Once fingerprints are obtained, the applicant will be listed as "Emergency Placement Submitted". This site will be an invaluable tool in monitoring the name based check system. A user name and password may be obtained by emailing the Background Check Unit at background.checkunit@dcsc.in.gov.
4. If any household member aged 18 and older failed or refused to get fingerprinted, the FCM will:
 - a. remove any children that were placed in the home pending the results of a fingerprint-based National Criminal History Check.
 - b. update the [Name Based Follow Up Form](#) to document the efforts made by DCS to convince the individual(s) to submit to fingerprinting and the reason(s) why the individual(s) declined. Fax the form to the ISP Records Division, 317-233-8813 or email to <mailto:kohare@isp.in.gov>.
 - c. document the household's failure to complete the fingerprinting process in ICWIS.
5. **Within 30 days** of placing a child, the FCM will:
 - a. complete CPS, sex & violent offender registry, and LEA/sheriff checks for all other states in which each individual living in the home, regardless of age, is known to have resided for the past five (5) years. Complete Indiana State Limited History check when available as discussed above.
 - b. ensure the results from the fingerprint-based national criminal history check are received.
 - c. re-evaluate the appropriateness of the placement based on the results of these checks and, if needed, take appropriate action. See separate policy, [8.7 Evaluating Background Checks for Unlicensed Placements](#).

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Application for Criminal History Background Check, SF 53259 / CW 3610](#)
2. [Request for a Child Protection Services \(CPS\) History Check, SF 52802 / CW 2128](#)
3. [Name Based Follow-up Form](#)

RELATED INFORMATION

Special Fingerprinting Issues

Homebound: If an individual is homebound and cannot appear at a facility for fingerprinting, the FCM should contact the Indiana State Police to request the individual fingerprinting process be completed in the home. If additional assistance is required, please contact the Background Check Unit.

Unreadable Prints: For a variety of reasons, an individual's fingerprints may be unreadable. Applicant cards may be rejected by ISP or the FBI for the following reasons: smudged prints, not fully rolled, fingerprints too light or too dark, double prints in one box or all five prints not on the same card. When this occurs, notification will be sent to the applicant that they must be reprinted. If the subject's fingerprints are rejected by the FBI twice, ISP will coordinate with the FBI to allow for a name-based National Criminal History Report to be generated without follow-up fingerprints. Rejection of the fingerprint card by ISP does not count as an FBI rejection. If prints are rejected multiple times by the State Police and are deemed unreadable (e.g. due to skin condition or age), they will be sent to the FBI for a manual read. The timeframe for a manual read is longer than a routine check.

Checking the Status of a Fingerprint-based National Criminal History Report

Upon request, DCS staff will be provided access to the administrative website to check the status of prospective placement prints, including emergency placements. You will be able to tell from this site whether the potential placement resource has actually obtained fingerprints. This site will be an invaluable tool in monitoring the name based check system. A user name and password may be obtained by emailing the Background Check Unit at background.check@dcs.in.gov.

Disclosing National Criminal History Check Information to the Subject of the Check

DCS may disclose the specific crimes that disqualified the subject of the check's criminal history to the subject of the check **if** the disqualifying decision is challenged. The subject of the check may challenge the decision by asking for specific details of the crimes that resulted in the disqualification. DCS may disclose to the employer the general category (listed felony, general felony or misdemeanor) on which the decision was based.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police

Disclosing State Limited Criminal History Check Information to the Subject of the Check

DCS may provide a copy of the state limited criminal history check to the subject of the check or the subject's employer.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police

Indiana State Juvenile History

Note: At the present time, ISP does not have a procedure in place for DCS to obtain this information without fingerprints. DCS will update staff once this procedure is in place.

Indiana Limited Criminal History

A Limited Criminal History contains only felonies and Class A misdemeanor arrests within the State of Indiana and can only be conducted on those individuals eighteen (18) years of age and older. Completeness of this information is based upon county participation. This search is available online at <https://secure.in.gov/apps/isp/lch/>. The user must submit a valid password to run the query. Results are immediate. For assistance with password issues, please email Background.CheckUnit@dc.in.gov.

Note: At the present time, ISP does not have a procedure in place for DCS to obtain this information on 14-17 year olds without fingerprints. DCS will update staff once this procedure is in place.

Additional instructions for the conducting the Indiana Limited Criminal History search:

Please disregard the request for Client ID (it is an optional field). Do not agree to a fee if you are asked. This is an indication that the login was incorrect at the first screen. Answer the following questions in this manner:

1. Do you have not-for-profit status? NO
2. Do you have an ISP customer number? NO
3. Are you currently an Access Indiana subscriber? YES

Name-based National Criminal History

REMINDER: THIS CHECK IS ONLY FOR EMERGENCY PLACEMENTS

Indiana statute allows family case managers (FCMs) the ability to access national criminal history information without fingerprints at the time of an emergency placement. An emergency placement is considered to be the time at or after removal and before a detention hearing order has been made. It can also include any time after an order (detention or otherwise) has been made that a situation is determined to be an emergency by either the agency or the court as is necessary to protect the health or safety of the child. Emergency placements typically involve exigent circumstances. In either case, the name-based query is only used to provide immediate results for an emergency placement, with fingerprints to follow within 72 hours to verify identity and results. Do not attempt to use the name-based query for non-emergency placements. This violates the law and DCS procedure. This check retrieves information from the Interstate Identification Index or "Triple I." The Federal Bureau of Investigation (FBI) maintains it. The check can be conducted in-person at an Indiana State Police (ISP) post or via phone from any location. The FCM can call 317-232-8294 or 800-622-

4961, identify him/herself through an assigned password, and challenge question. The FCM will be asked for a reason code, which is "Emergency Placement." The FCM will receive an immediate verbal report of the applicant's name-based criminal history.

REMINDER: THE FCM MUST NOT SHARE HIS/HER PASSWORD AND CHALLENGE QUESTION WITH ANYONE, INCLUDING OTHER FCMS.

If the FCM has trouble using his/her password, the FCM should send an email requesting help to: background.checkunit@dcs.in.gov.

Becoming Authorized to Request Name-based Criminal History Checks

FCMs must register to become authorized to request name-based criminal history checks through ISP. To register, an FCM must provide the last four digits of their social security number to his/her local office director or the director's designee. If the local office director/designee determines that it is appropriate to authorize the FCM, the director/designee will forward the information via email to background.checkunit@dcs.in.gov. FCMs should NOT email information directly to background.checkunit@dcs.in.gov.)

Determining your password: Your password will be your initials (first and last name) and the last four digits of your Social Security number. Example: John Smith's password would be "JS4823."

Select your challenge question and give your answer: Your challenge question can be:

- (a) your mother's maiden name; **or**
- (b) the name of the high school from which you graduated.

You must identify what the answer you give represents (i.e. mother's maiden name or high school). NO OTHER CHALLENGE QUESTIONS CAN BE USED.

Your password, challenge question, and answer will be submitted to ISP on the Friday of the week it is received in Central Office. ISP will enter your information into a database which will complete your authorization (allow approximately one week). Until you are authorized, you are responsible for working with your supervisor to arrange for an authorized user to complete name-based checks for your emergency placement cases.

Conducting Background Checks on Non-Custodial Parents

Background checks can be conducted on the non-custodial parent if the FCM has reason to question the safety of the placement or if risk factors are present. Safety or risk factors that would necessitate a criminal history check include but are not limited to the following:

1. Child raises concern regarding the placement.
2. Custodial parent or members of the Child and Family Team have concerns regarding the placement.
3. Custodial parent or member of the Child and Family Team report past or current criminal history perpetrated by the non-custodial parent.
4. Non-custodial parent does not have regular visitation with the child(ren).

The FCM must document in ICWIS if criminal history checks are not conducted on a non-custodial parent.